

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ORDER

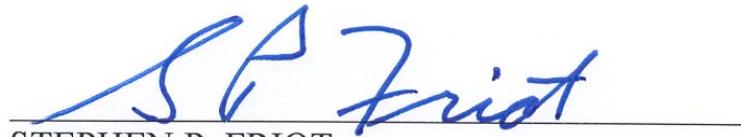
On January 26, 2011, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation, wherein she recommended that respondent's motion to dismiss be granted and that petitioner's petition for writ of habeas corpus under 28 U.S.C. § 2254 be dismissed as untimely pursuant to 28 U.S.C. § 2244(d). Magistrate Judge Couch advised the parties of their right to file an objection to the Report and Recommendation by February 16, 2011 and further advised that failure to make timely objection waives the right to appellate review of the factual and legal issues therein addressed.

To date, no objection has been filed to the Report and Recommendation and no request has been made for an extension of time to file an objection. With no objection being filed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Valerie K. Couch on January 26, 2011 (doc. no. 11) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus (doc. no. 7) is **GRANTED**. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by

petitioner, Luis San Roman, is **DISMISSED** as untimely pursuant to 28 U.S.C. § 2244(d).

DATED February 17, 2011.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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